

LEGISLATIVE COUNSEL

Calendar

94TH CONGRESS }
1st Session }

SENATE

{ REPORT
No. 94-42

TRAVEL EXPENSES AMENDMENTS ACT
OF 1975

REPORT
OF THE
COMMITTEE ON GOVERNMENT OPERATIONS
UNITED STATES SENATE
TO ACCOMPANY
S. 172
TRAVEL EXPENSES AMENDMENTS ACT OF 1975



MARCH 18 (legislative day, MARCH 12), 1975.—Ordered to be printed

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(II)

Calendar No. 44

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REPORT
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TRAVEL EXPENSES AMENDMENTS ACT OF 1975

MARCH 18 (legislative day, MARCH 12); 1975.—Ordered to be printed

Mr. METCALF, from the Committee on Government Operations,
submitted the following

REPORT

[To accompany S. 172]

The Committee on Government Operations, to which was referred the bill (S. 172) a bill to revise certain provisions of title 5, United States Code, relating to per diem and mileage expenses of Government employees, and for other purposes (Travel Expenses Amendments Act of 1975), having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

On page 8, strike out lines 1, 2, and 3 and insert the following:

(1) by striking out "actual transportation expenses incurred by employees" in subsection (a)(8) and inserting in lieu thereof "travel expenses incurred by employees"; and

Amend the title so as to read:

A bill to revise certain provisions of title 5, United States Code, relating to per diem and mileage expenses of Government employees, and for other purposes.

PURPOSE

The purpose of S. 172 is to (1) increase the maximum amounts which may be paid to regular employees of the Federal Government, and to consultants and experts employed intermittently, who are traveling on official business, with respect to per diem in lieu of subsistence, and reimbursement when payment of actual expenses is authorized; (2) increase the mileage rates for the use of privately-owned vehicles used while traveling on official business; and (3) require the Administrator

(1)

of General Services to make a determination with respect to the cost of travel and the operation of privately-owned vehicles and adjust the rates, at least once each year, subject to stated limitations. It would accomplish these objectives by amending existing travel expense legislation so as to reflect more closely the greatly increased cost of travel at the present time.

SUMMARY OF MAJOR PROVISIONS

S. 172 would:

(1) Under regulations prescribed by the Administrator of General Services (a) increase the per diem for employees authorized to travel in the continental United States from the present maximum rate of \$25 to not to exceed \$35, and (b) increase the maximum reimbursement for employees authorized to travel on an actual expense basis in continental United States from a maximum of \$40 per day to not to exceed \$50;

(2) Authorize the President, or his designee, to establish the per diem allowance for travel outside the continental United States, and authorize the Administrator of General Services, by regulation, to prescribe conditions under which an employee may be reimbursed for actual and necessary expenses, not to exceed \$21 for each day in travel status, in addition to the maximum per diem established for that locality; and

(3) Under regulations established by the Senate Committee on Rules and Administration, (a) increase the per diem for Senators and Senate employees traveling on official business from a maximum of \$25 to a maximum of \$35 in the continental United States, and from a maximum of \$40 to not to exceed \$50 when authorized to travel on an actual expense basis, (b) reimburse a Senator's personal staff on the same basis as committee staffs by allowing per diem for official travel to the home State of the Senator by whom he is employed, in addition to actual transportation expenses presently paid by the Senate, but not in excess of the rates established in existing law, as amended, and not to a newly-appointed employee to travel to his place of employment, and (c) prohibit reimbursement for per diem for travel to and from the home State within 120 days of any primary or general election in which the Senator is a candidate.

The bill provides further for the following mileage reimbursement, under regulations prescribed by the Administrator of General Services:

(1) For privately-owned automobiles, an increase from 12 to 15 cents a mile, subject to an adjustment, at least once each year, not to exceed 20 cents a mile;

(2) For privately-owned airplanes, an increase from 12 to 18 cents per mile, subject to an adjustment at least once each year, not to exceed 24 cents a mile; and

(3) For privately-owned motorcycles, the present amount of 8 cents a mile is retained, subject to an adjustment not to exceed 11 cents a mile.

In addition, airplane landing and tie-down fees have been added to parking, ferry, bridge, road and tunnel costs, provided by existing law.

The bill further requires the Administrator of General Services, in consultation with the Comptroller General of the United States, the

Secretaries of Defense and Transportation and representatives of Government employees' organizations (a) to conduct periodic investigations of the cost of travel and the operation of privately owned vehicles to employees engaged in official travel, based upon specifically enumerated factors, and report the results to the Congress at least once each year; (b) to determine, at least once each year, based upon the results of his investigation, specific figures of the cost of travel and the operation of privately owned vehicles, and report these figures to the Congress not later than five working days after making such determination and to print each such report in the Federal Register, and (c) to adjust the figures so determined, within 30 days following the submission of that report, which shall be not less than the figures in effect immediately after enactment of this bill, but not greater than the amounts set forth therein.

The adjusted mileage figures must be included in regulations which the Administrator is required to prescribe for the administration of the subchapter.

Finally, it is provided that the expenses incurred during fiscal year 1975 as a result of the increases in the per diem and mileage allowances must be absorbed by the existing funds of the agencies or branch of government concerned.

LEGISLATIVE HISTORY

By act of June 3, 1926, the Congress enacted the Subsistence Expense Act of 1926 (44 Stat. 688) which established a maximum per diem allowance in lieu of subsistence of \$6 within the continental limits of the United States and \$7 beyond those limits (44 Stat. 689).

The Economy Act of June 30, 1932 (47 Stat. 405), reduced these amounts to \$5 and \$6, respectively, reflecting a decrease in living costs. By act of January 30, 1942 (56 Stat. 39), the original amounts were restored, due in large part to the greatly increased living costs resulting from the war and defense activities.

The Travel Expense Act of 1949 (63 Stat. 166) repealed the Subsistence Expense Act of 1926, increased the per diem to an amount not to exceed \$9 in the continental United States and authorized payments for travel outside the continental United States at rates not in excess of those established by the Director of the Bureau of the Budget. Members of Congress and employees of Senate and House committees were excluded from coverage in this act, but were provided for in other legislation.

By act of July 28, 1955 (62 Stat. 393), the maximum per diem was increased to \$12, and a provision was added authorizing department and agency heads to pay actual expenses, not to exceed \$25 per day, where the maximum per diem would be much less than the amount required to cover actual and necessary expenses. The amount was to be fixed in accordance with regulations promulgated by the Director of the Bureau of the Budget. This act also increased the maximum per diem in lieu of subsistence for Government consultants serving without compensation from \$10 to \$15 per day and not to exceed \$25 per day if actual expenses were authorized.

Public Law 87-139 (August 14, 1961, 75 Stat. 339):

- (1) Increased the per diem for travel inside the continental United States from \$12 to \$16 for regular and intermittent Government employees:

(2) Increased from \$25 to \$30 the maximum which could be reimbursed on an actual expense basis for travel within the continental United States under unusual circumstances where it was found that the regular \$16 per day would be much less than actual expenses;

(3) Authorized actual expense reimbursement up to \$10 per day for foreign travel, in addition to the maximum per diem established for that area;

(4) Provided that the per diem allowance for travel outside the continental United States could not exceed the rates established by the President of the United States, or his designee, for the locality where the travel is performed; and

(5) Made the increases for per diem and reimbursement for actual expenses applicable to Members and employees of the Senate committees by amending the legislation which provides for their travel allowances.

Executive Order No. 10970 (26 F.R. 10149, October 27, 1961), among other things, delegated to the Secretary of State the authority to establish maximum rates of per diem allowances for travel in foreign countries. Executive Order 11230 (30 F.R. 8447, July 2, 1965) amended Executive Order 10970, and provided that the Director of the Bureau of the Budget should prescribe regulations relating to the allowance and payment of travel and other expenses for certain Government employees. It did not transfer the authority of the Secretary of State to establish rates for travel in foreign countries.

The House of Representatives has long followed the practice of authorizing travel allowances in accordance with regulations promulgated by the Committee on House Administration. The Senate however, in its portion of the annual legislative branch appropriation acts, has provided for travel allowances not to exceed those provided for other Federal employees. Thus, prior to the enactment of the Travel Expense Act of 1949, Members and employees of the Senate were reimbursed at rates not in excess of those provided for by the Subsistence Expense Act of 1926, as amended. This practice was continued until 1956, when permanent legislation was enacted in the Legislative Branch Appropriation Act, 1957 (70 Stat. 360, June 27, 1956).

In 1969, title 5 of the United States Code was further amended to increase the per diem rates. Public Law 91-114 (83 Stat. 190, November 10, 1969) increased the per diem allowance for travel inside the continental United States from not to exceed the rate of \$16 to not to exceed the rate of \$25. It also increased the amount authorized to be named in the travel authorization for each day in a travel status inside the continental United States from not to exceed \$30 to not to exceed \$40. Further, the law increased the amount authorized to be named in the travel authorizations for each day in a travel status outside the continental United States from not to exceed the maximum per diem allowance plus \$10 to not to exceed the maximum per diem allowance plus \$18. The same increases were provided for experts and consultants and other individuals serving without pay while traveling on official Government business.

Additionally, the 1969 amendments increased the maximum allowable per diem rate for employees of the Senate traveling on official business from the existing \$16 and \$30 to the new \$25 and \$40 level, respectively.

Presently, Senate Members and committee staff employees are authorized allowances for travel on official business in continental United States at the maximum rate of \$25 per day; and, if authorized actual expenses by the Senate Committee on Rules and Administration and pursuant to its regulations, not more than \$40 per day on an actual basis. Members and employees of the House of Representatives have been authorized a travel allowance of \$25 per day since July 1, 1967.

On July 24, 1971, President Nixon issued Executive Order 11609 (36 F.R. 13747) which, among other things, delegated certain functions of the President provided for under the 1969 amendments to the Administrator of General Services. This delegation included the authority to establish maximum rates of per diem and to prescribe regulations relating to travel, subsistence expenses and mileage allowances. Executive Order 11609 has been amended by Executive Order 11713 and Executive Order 11779. However, neither of these Executive Orders affects the authority of the Administrator to prescribe per diem and mileage regulations.

On December 31, 1974, the President pocket vetoed S. 3341, a bill virtually identical to S. 172, because of a provision which made the increased per diem and mileage rates applicable to travel by disabled veterans with service connected disabilities to treatment facilities. S. 172 omits this provision which will be treated separately in legislation now pending in the Senate Committee on Veterans' Affairs.

HEARINGS

Although the Committee held no hearings on S. 172, hearings on S. 3341, an earlier version of the measure, were held on June 6, 1974.

Witnesses included representatives from the General Accounting Office, the General Services Administration, the National Treasury Employees Union, the American Federation of Government Employees, the Government Employees Council and the National Federation of Federal Employees.

All witnesses agreed that the current per diem and mileage rates for Federal employees are inadequate to cover expenses incurred while traveling on Government business. There was disagreement with respect to the extent of the increases and suggestions were offered with respect to the establishment of procedures which would provide for automatic adjustments to mileage rates, based upon a continuing review and analysis of actual operating expenses for privately owned vehicles.

EXPLANATION OF COMMITTEE ACTION

In approving increases in per diem and mileage allowances, the Committee considered the following factors: (1) there has been no general increase in travel allowances since 1969, and no statutory increase in mileage allowances since 1961; (2) hotel and motel rates, the cost of food away from home, sales taxes on hotel and motel bills and restaurant meals, and miscellaneous expenses related to official travel have increased appreciably since that time; (3) the increased per diem rates represent maximum amounts which may be paid and are not amounts which must or should be paid for all travel; and (4) Federal employees who are required to travel on behalf of the United States Government should not have to suffer financial losses.

Testimony received at hearings held on S. 3341, in June 1974, revealed that the cost of living index has increased approximately 28 percent since 1969 and 60 percent since 1961.

A fairly recent study was initiated by the General Services Administration to evaluate the adequacy of present travel allowances for Federal employees. It involved approximately 13,000 actual employee travel experiences representing 63,000 man-days of travel taken over a period of 3 months in 1973, and included 22 executive branch agencies, or seven-tenths of 1 percent of the total man-days of government travel each year. This study revealed that the present \$25 per diem was inadequate for over 30 percent of the reported travel, and that actual subsistence expense allowances of up to \$40 per day were authorized in only 3 percent of the travel reported.

Additional studies by the General Services Administration, participated in by the General Accounting Office, revealed that per diem in excess of the \$25 maximum for travel in the continental United States is clearly justified, and a Department of Defense study indicated that even \$35 might not be adequate in larger metropolitan areas such as New York City, Washington, D.C., Boston, San Francisco, etc., where a night's lodging may exceed \$35 a day.

With respect to mileage, as previously noted, there has been no statutory increase since 1961, despite the phenomenal rise in transportation costs since that time. Two recent studies by Government agencies reveal that the present cost of operating a standard size automobile in the United States is well in excess of the 12 cents a mile maximum reimbursement rate provided for in existing law. A Department of Transportation study, completed in April, 1974, found that the present cost of operating an automobile was 15.9 cents per mile, and a June, 1974 study by the General Services Administration concluded that this cost was 14.4 cents per mile. This difference was due to the fact that the General Services Administration figure did not include the 2 cents per mile cost for garage, parking and tolls which were included in the Department of Transportation study. It may be noted that these costs are reimbursed separately under the provisions of the 1969 per diem statutes and are appropriately excluded from a reimbursement allowance study. However, both studies included the original vehicle cost depreciation, maintenance, accessories, parts, tires, gas and oil (excluding taxes), insurance and State and Federal taxes. Although the Department of Transportation based its figures on a 5-year depreciated car life and the General Services Administration used a 10-year period to calculate depreciation expense, both studies demonstrated clearly the need for upward adjustments in the present reimbursement rates.

The Committee also made several additional changes in existing law which are designed to protect the interests of both the Government and its employees who must travel on official business. Thus, section 3 of the bill amends section 5702(a) of title 5, U.S. Code, to provide that for travel consuming less than a full day, per diem rates may be allocated proportionally, pursuant to regulations prescribed by the Administrator of General Services. Section 3 also amends section 5702(b) to provide that if an employee becomes ill, not due to his own misconduct, while traveling on official business, he will continue to be entitled to the applicable per diem allowance and travel expenses during the time such illness prevents him from returning to

his designated post of duty. Existing law entitles him only to per diem and travel expenses for the return trip.

An amendment to section 5701(2) of title 5, United States Code, contained in section 2 of S. 172, establishes uniform treatment for all persons engaged in official Government travel, by redefining the term "employee" to include consultants, experts, and other intermittent employees.

An amendment to existing law by the Committee would provide for flexibility in mileage rates for official travel by setting minimum reimbursement rates and authorizing the Administrator of General Services to adjust these rates up to a maximum figure for the use of privately-owned vehicles. Such figure would be established by the Administrator at least once each year, following an investigation of the cost of travel and the operation of privately-owned vehicles to such employees, reported to the Congress and set forth in regulations published in the Federal Register.

COMMITTEE AMENDMENTS

The Committee adopted two amendments which are designed to correct an error and a technical defect in the bill, as introduced.

With respect to the error, when the earlier version of the measure, S. 3341, was reported by the Committee in the 93rd Congress, it contained a provision authorizing the payment of per diem, as well as actual transportation expenses to a Senator's personal staff for official travel to the home State. Existing law provides only for actual transportation expenses and makes no provision for hotel, meals and other necessary expenses. The provision contained in that bill was designed to reimburse members of a Senator's personal staff on the same basis as Senate committee staffs and all other Government employees traveling on official business. When S. 172 was introduced in the 94th Congress, due to a drafting error, it applied to both Senators and their personal staffs.

The Committee corrected this error so as to restore the language which carried out its original intent. Previous limitations, which required certification by the Senator and prohibited per diem payments for periods within 120 days of primary or general elections of the Senator by whom the staff member is employed, were retained.

The second amendment corrects a technical defect by providing a proper title for the bill.

CONCLUSION

The Committee has been advised by the General Services Administration that official Government travel by Federal employees totals an estimated 9.4 million man-days each year. Although official travel is necessary to the conduct of Government business, it is exceedingly costly, both to the traveler and the Government. In view of strong pressures for economy and the reduction of Government expenditures, the Committee urges that a determined effort be made by all departments and agencies to limit official travel to the minimum consistent with the effective and efficient conduct of Government business. The Committee desires to make clear, however, that when Federal employees travel on official Government business, they should not be expected, or required, to suffer financial losses.

Our Nation is in a period of high prices and rising costs. Thus, although necessary steps have been taken to enable Government employees to meet their personal, ever-increasing costs of living, nothing has been done to enable the Government to meet its obligations to those employees who are required to travel in the course of their work assignments since 1969, with respect to per diem in lieu of subsistence, and since 1961, with respect to reimbursement for mileage when privately owned vehicles are authorized.

Following an analysis of available statistics, the Committee has concluded that the per diem rates and the flexible reimbursement for mileage provided in this legislation are fair and equitable in the light of current economic conditions in the United States.

ESTIMATED COST OF LEGISLATION

The General Services Administration estimates that enactment of this legislation will result in an increased expenditure of approximately \$34 million a year for per diem allowances for each of 5 fiscal years, and expenditures could rise by as much as \$57 million a year if the per diem allowances were set at their maximum allowable rates. However, it is not anticipated that this will be the case at this time.

Expenditures for mileage allowances are expected to increase by approximately \$11.5 million a year; and increasing the reimbursement rate to the maximum allowable under this legislation would increase the figure to approximately \$23 million per year. As in the case of per diem, it is not anticipated that the rates would be set at the maximum allowable at the present time.

SECTION-BY-SECTION ANALYSIS

SECTION 1

Section 1 provides a short title—the “Travel Expenses Amendments Act of 1975”.

SECTION 2

Subsection (a) of section 2 amends the definitions section of section 5701 of title 5, United States Code, by redefining the word “employee” to include individuals employed intermittently in the Government service as an expert or consultant and paid on a daily when-actually-employed basis, or individuals serving without pay or at one dollar a year.

Subsection (b) of section 2 amends section 5705 of title 5, United States Code, by striking “an individual” wherever it appears, so as to conform the section with the amended definition of “employee” in section 5701.

SECTION 3

Section 3 amends section 5702 of title 5, United States Code, so as to provide (1) that under regulations prescribed by the Administrator of General Services, Federal employees, traveling on official business inside the continental United States, are entitled to a per diem allowance at a rate not to exceed \$35; (2) that the President, or his designee, shall establish the per diem allowance for travel outside the continental United States for each locality where travel is performed; and (3) that

for travel consuming less than a full day, per diem rates may be allocated proportionately pursuant to regulations prescribed under section 5707 of this title.

Section 3 would further amend section 5707, title 5, United States Code, to provide (1) that when an employee traveling on official business away from his designated post becomes incapacitated by illness or injury not due to his own misconduct, he is entitled to both per diem allowance and transportation expenses until such time as he can travel again and to the per diem and transportation expenses during the return travel; (2) that the Administrator of General Services, or his designee, may prescribe conditions under which an employee may be reimbursed for actual and necessary expenses of official travel when the per diem allowance would be less than these expenses, but such reimbursement may not exceed (a) \$50 per day for travel within the continental United States, and the per diem allowance otherwise allowable is inadequate due to the unusual circumstances of the travel assignment, or travel involves high-rate geographic areas designated as such in regulations prescribed under section 5707 of this title, or (b) \$21 per day outside the continental United States, plus the locality rate prescribed for such locality; and (3) that section 5707 shall not apply to Federal judges, except as provided by section 456 of title 28.

SECTION 4

Section 4 repeals section 5703 of title 5, United States Code, which provides for a per diem allowance for experts and consultants and is no longer necessary, since they are included in the definition of "employees" provided for in section 2(a).

SECTION 5

Section 5 amends section 5704 of title 5, United States Code, which deals with mileage and other allowances payable to employees traveling on official Government business.

It provides (1) under regulations prescribed by the Administrator of General Services, for the following reimbursements for official travel by privately-owned vehicles instead of actual expenses when that mode of travel is authorized or approved as more advantageous to the Government: 8 cents a mile for motorcycles, 15 cents a mile for automobiles and 18 cents a mile for airplanes; (2) that no determination of such advantage is required when payment on a mileage basis is limited to the cost of travel by common carrier, including per diem; (3) that, in any case in which an employee chooses to use a privately-owned vehicle when a Government vehicle is readily available, payment on a mileage basis is limited to the cost of travel by such vehicle; and (4) that, in addition to mileage allowances, employees may be reimbursed for ferry, bridge, road and tunnel and airplane landing and tie-down fees.

SECTION 6

Section 6, which amends section 5705 of title 5, requires (1) the Administrator of General Services to prescribe regulations necessary for the administration of this subchapter, and the Director of the Administrative Office of the United States Courts to prescribe such regulations for official travel by employees of the judicial branch;

(2) that all such regulations shall state the specific rate of per diem within the dollar limitations prescribed in section 5702(a) and the specific dollar limitations relative to highrate geographic areas under section 5702(c)(1) to which employees are entitled; (3) the Administrator of General Services, in consultation with the Comptroller General of the United States, the Secretary of Transportation, the Secretary of Defense, and representatives of Government employee organizations, conduct periodic investigations of both the cost of travel and the operation of privately-owned vehicles to employees engaged in official business, taking into consideration depreciation of original vehicle cost, gasoline and oil, excluding taxes, maintenance, accessories, parts and tires, insurance, and State and Federal taxes; (4) the Administrator, at least once each year, to determine, based upon the results of his investigation, specific figures of the cost of travel (per diem) and actual cost per mile during the period for the operation of privately-owned vehicles and report these figures to the Congress, not later than 5 working days after making such determination, and that each such report shall be printed in the Federal Register; and (5) that within 30 days following the submission of the report, the cent figures provided for in section 5704(a) of title 5 shall be adjusted by the Administrator to the figures so determined and reported, but that such figures shall in no case be administratively adjusted below those provided for in section 5704(a) or higher than 11 cents a mile for privately-owned motorcycles, 20 cents a mile for privately-owned automobiles, or 24 cents a mile for privately-owned airplanes.

SECTION 7

Section 7 amends the subchapter analysis of chapter 57, title 5, United States Code, to conform to changes made therein.

SECTION 8

Section 8 amends certain provisions of the Senate appropriation in the Legislative Branch Appropriation Act, 1975, as amended (2 U.S.C. 68(b)), by increasing the maximum authorized per diem rate for Members and employees of the Senate from \$25 to \$35 for travel in continental United States, and from \$40 to \$50 when travel on an actual expense basis is authorized by the Senate Committee on Rules and Administration.

SECTION 9

Section 9 amends section 506 of the Supplemental Appropriation Act, 1973 (2 U.S.C. 58) to provide that a Senator's personal staff is to be reimbursed for official travel on the same basis as committee staffs. It provides (1) that Senate personal staff shall be reimbursed for per diem expenses for official travel to the home State of the Senator for whom they work, in addition to the transportation expenses already paid by the Senate, but not in excess of the rates established in existing law as amended, or to a newly appointed employee to travel to his place of employment; and (2) that no reimbursement is to be made within 120 days of any primary or general election in which the Senator is a candidate, and the Senator is personally responsible for certifying claims for reimbursement.

SECTION 10

Section 10 provides that the expenses incurred during fiscal year 1975 as a result of the increases in the per diem and mileage allowances made by this Act must be absorbed by the existing funds of departments, agencies and other entities in all three branches of Government, including the District of Columbia, and prohibits the appropriation of funds in fiscal year 1975 to pay for such increases.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law proposed to be changed enclosed in black brackets, new matter in italic, existing law in which no change is proposed to be made in roman):

TITLE 2 UNITED STATES CODE

§ 58. Mail, telegraph, telephone, stationery, office supplies, and home State office rental and travel expenses for Senators

(a) Authorization for payments from contingent fund.

(1) * * *

* * * * *

(8) reimbursement of actual transportation expenses incurred by the Senator in traveling on official business by the nearest usual route between Washington, District of Columbia, and the State he represents and within such State, and [actual transportation expenses] *travel expenses* incurred by employees in that Senator's office subject to the provisions of subsection (e) of this section.

Reimbursement to a Senator and his employees under this section shall be made only upon presentation of itemized vouchers for expenses incurred.

* * * * *

[(e) Transportation expenses.

[Actual transportation expenses incurred by an employee in a Senator's office shall be paid under this section only for such expenses incurred in making round trips on official business by the nearest usual route between Washington, District of Columbia, and the home State of the Senator involved, and in traveling within that State (other than transportation expenses incurred by an employee assigned to a Senator's office within that State (1) while traveling in the general vicinity of such office, (2) pursuant to a change of assignment within such State, or (3) in commuting between home and office). No payment shall be made under this section to or on behalf of a newly appointed employee to travel to his place of employment.]

(e) *Travel expenses.*

In accordance with regulations prescribed by the Committee on Rules and Administration, an employee in a Senator's office shall be reimbursed under this section for per diem and actual transportation expenses incurred, or actual travel expenses incurred, only for round trips made by the employee on official business by the nearest usual route between

Washington, District of Columbia, and the home State of the Senator involved, and in traveling within that State (other than transportation expenses incurred by an employee assigned to a Senator's office within that State (1) while traveling in the general vicinity of such office, (2) pursuant to a change of assignment within such State, or (3) in commuting between home and office). However, an employee shall not be reimbursed for any per diem expenses or actual travel expenses (other than actual transportation expenses) for any travel occurring during the 120 days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Senator, in whose office the employee is employed, is a candidate for public office. Reimbursement of per diem and actual travel expenses shall not exceed the rates established in accordance with the seventh paragraph under the heading "Administrative Provisions" in the Senate appropriation in the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 636). No payment shall be made under this section to or on behalf of a newly appointed employee to travel to his place of employment.

* * * * *

§ 68. Payments from contingent fund of Senate

* * * * *

(a) * * *

(b) Same; per diem and subsistence expenses.

No part of the appropriations made under the heading "Contingent Expenses of the Senate" on and after June 27, 1956 may be expended for per diem and subsistence expenses (as defined in the Travel Expense Act of 1949, as amended) at rates in excess of **[\$25]** \$35 per day; except that (1) higher rates may be established by the Committee on Rules and Administration for travel beyond the limits of the continental United States, and (2) in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate, reimbursement for such expenses may be made on an actual expense basis of not to exceed **[\$40]** \$50 per day in the case of travel within the continental limits of the United States.

TITLE 5 UNITED STATES CODE

§ 5701. Definitions

For the purpose of this subchapter—

(1) "agency" means—

(A) an Executive agency;

(B) a military department;

(C) an office, agency, or other establishment in the legislative branch;

(D) an office, agency, or other establishment in the judicial branch; and

(E) the government of the District of Columbia;

but does not include—

(i) a Government controlled corporation;

(ii) a Member of Congress; or

(iii) an office or committee of either House of Congress or of the two Houses;

[(2) "employee" means an individual employed in or under an agency;]

(2) "employee" means an individual employed in or under an agency, including an individual employed intermittently in the Government service as an expert or consultant and paid on a daily when-actually-employed basis and an individual serving without pay or at one dollar a year;

(3) "subsistence" means lodging, meals, and other necessary expenses for the personal sustenance and comfort of the traveler;

(4) "per diem allowance" means a daily flat rate payment instead of actual expenses for subsistence and fees or tips to porters and stewards;

(5) "Government" means the Government of the United States and the government of the District of Columbia; and

(6) "continental United States" means the several States and the District of Columbia, but does not include Alaska or Hawaii.

§ 5702. Per diem; employees traveling on official business

[(a) An employee, while traveling on official business away from his designated post of duty, is entitled to a per diem allowance prescribed by the agency concerned. For travel inside the continental United States, the per diem allowance may not exceed the rate of \$25. For travel outside the continental United States, the per diem allowance may not exceed the rate established by the President or his designee, who may be the Director of the Bureau of the Budget or another officer of the Government of the United States, for the locality where the travel is performed.]

[(b) Under regulations prescribed under section 5707 of this title, an employee who, while traveling on official business away from his designated post of duty, becomes incapacitated by illness or injury not due to his own misconduct is entitled to the per diem allowances, and transportation expenses to his designated post of duty.]

[(c) Under regulations prescribed under section 5707 of this title, the head of the agency concerned may prescribe conditions under which an employee may be reimbursed for the actual and necessary expenses of the trip, not to exceed an amount named in the travel authorization, when the maximum per diem allowance would be much less than these expenses due to the unusual circumstances of the travel assignment. The amount named in the travel authorization may not exceed—

[(1) \$40 for each day in a travel status inside the continental United States; or

[(2) the maximum per diem allowance plus \$18 for each day in a travel status outside the continental United States.]

[(d) This section does not apply to a justice or judge except to the extent provided by section 456 of the title 28.]

§ 5702. Per diem; employee traveling on official business

(a) Under regulations prescribed under section 5707 of this title, an employee while traveling on official business away from his designated post of duty or, in the case of an intermittent employee, his home or regular place of business, is entitled to a per diem allowance for travel inside the continental United States at a rate not to exceed \$35. For travel outside the continental United States, the per diem allowance shall be established by the President, or his designee, for each locality where travel is to be performed. For travel consuming less than a full day, such rates may be allocated proportionately.

(b) Under regulations prescribed under section 5707 of this title, an employee who, while traveling on official business away from his designated post of duty, becomes incapacitated by illness or injury not due to his own misconduct, is entitled to the per diem allowance and appropriate transportation expenses until such time as he can again travel, and to the per diem allowance and transportation expenses during return travel to his designated post of duty.

(c) Under regulations prescribed under section 5707 of this title, the Administrator of General Services, or his designee, may prescribe conditions under which an employee may be reimbursed for the actual and necessary expenses of official travel when the per diem allowance would be less than these expenses, except that such reimbursement shall not exceed—

(1) \$50 for each day in a travel status within the continental United States when the per diem otherwise allowable is determined to be inadequate (A) due to the unusual circumstances of the travel assignment, or (B) for travel to high rate geographical areas designated as such in regulations prescribed under section 5707 of this title; or

(2) \$21 for each day in a travel status outside the continental United States plus the locality per diem rate prescribed for such travel.

(d) This section does not apply to a justice or judge, except to the extent provided by section 456 of title 28.

§ 5703. Per diem, travel, and transportation expenses; experts and consultants; individuals serving without pay

(a) For the purpose of this section, "appropriation" includes funds made available by statute under section 849 of title 31.

(b) An individual employed intermittently in the Government service as an expert or consultant and paid on a daily when-actually-employed basis may be allowed travel expenses under this subchapter while away from his home or regular place of business, including a per diem allowance under this subchapter while at his place of employment.

(c) An individual serving without pay or at \$1 a year may be allowed transportation expenses under this subchapter and a per diem allowance under this section while en route and at his place of service or employment away from his home or regular place of business. Unless a higher rate is named in an appropriation or other statute, the per diem allowance may not exceed—

(1) the rate of \$25 for travel inside the continental United States; and

(2) the rates established under section 5702(a) of this title for travel outside the continental United States.

(d) Under regulations prescribed under section 5707 of this title, the head of the agency concerned may prescribe conditions under which an individual to whom this section applies may be reimbursed for the actual and necessary expenses of the trip, not to exceed an amount named in the travel authorization, when the maximum per diem allowance would be much less than these expenses due to the unusual circumstances of the travel assignment. The amount named in the travel authorization may not exceed—

(1) \$40 for each day in a travel status inside the continental United States; or

[(2) the maximum per diem allowance plus \$18 for each day in a travel status outside the continental United States.]

§ 5704. Mileage and related allowances

[(a) Under regulations prescribed under section 5707 of this title an employee or other individual performing service for the Government, who is engaged on official business inside or outside his designated post of duty or place of service, is entitled to not in excess of—

[(1) 8 cents a mile for the use of a privately owned motorcycle; or

[(2) 12 cents a mile for the use of a privately owned automobile or airplane;

instead of the actual expenses of transportation when that mode of transportation is authorized or approved as more advantageous to the Government. A determination of advantage is not required when payment on a mileage basis is limited to the cost of travel by common carrier including per diem.

[(b) In addition to the mileage allowance under subsection (a) of this section, the employee or other individual performing service for the Government may be reimbursed for—

[(1) parking fees;

[(2) ferry fares; and

[(3) bridge, road, and tunnel tolls.]

§ 5704. Mileage and related allowances

(a) Under regulations prescribed under section 5707 of this title, an employee who is engaged on official business for the Government is entitled to—

(1) 8 cents a mile for the use of a privately owned motorcycle;

(2) 15 cents a mile for the use of a privately owned automobile; or

(3) 18 cents a mile for the use of a privately owned airplane.

instead of actual expenses of transportation when that mode of transportation is authorized or approved as more advantageous to the Government. A determination of such advantage is not required when payment on a mileage basis is limited to the cost of travel by common carrier including per diem. Notwithstanding the preceding provisions of this subsection, in any case in which an employee who is engaged on official business for the Government chooses to use a privately owned vehicle when a Government vehicle is readily available, payment on a mileage basis is limited to the cost of travel by such Government vehicle.

(b) In addition to the mileage allowance authorized under subsection (a) of this section, the employee may be reimbursed for—

(1) parking fees;

(2) ferry fees;

(3) bridge, road, and tunnel costs; and

(4) airplane landing and tie-down fees.

§ 5705. Advancements and deductions

An agency may advance, through the proper disbursing official, to an employee [or individual] entitled to per diem or mileage allowances under this subchapter, a sum considered advisable with regard to the character and probable duration of the travel to be performed. A sum advanced and not used for allowable travel expenses is recoverable from the employee [or individual] or his estate by—

- (1) setoff against accrued pay, retirement credit, or other amount due the employee [or individual];
- (2) deduction from an amount due from the United States; and
- (3) such other method as is provided by law.

§ 5707. Regulations

[The Director of the Bureau of the Budget shall prescribe regulations necessary for the administration of this subchapter. The fixing, payment, advancement, and recovery of travel allowances, and the reimbursement of travel expenses, under this subchapter shall be in accordance with the regulations. This section does not apply to the fixing or payment of a per diem allowance under section 5703(c) of this title.]

§ 5707. Regulations and reports

(a) *The Administrator of General Services shall prescribe regulations necessary for the administration of this subchapter, except that the Director of the Administrative Office of the United States Courts shall prescribe such regulations with respect to official travel by employees of the judicial branch of the Government. Such regulations shall state the specific rate of the per diem allowance, within the dollar limitations prescribed in the first sentence of section 5702(a) of this title, and a specific rate of reimbursement for actual and necessary expenses of official travel to each high rate geographical area under section 5702(c)(1) of this title, to which an employee is entitled.*

(b)(1) *The Administrator of General Services, in consultation with the Comptroller General of the United States, the Secretary of Transportation, the Secretary of Defense, and representatives of organizations of employees of the Government, shall conduct periodic investigations of the cost of travel and the operation of privately owned vehicles to employees while engaged on official business, and shall report the results of such investigations to Congress at least once a year. In conducting the investigations, the Administrator shall review and analyze among other factors—*

- (A) *depreciation of original vehicle cost;*
- (B) *gasoline and oil (excluding taxes);*
- (C) *maintenance, accessories, parts, and tires;*
- (D) *insurance; and*
- (E) *State and Federal taxes.*

(2) *At least once each year, the Administrator shall determine, based upon the results of his investigations, specific figures each rounded to the nearest one-half cent, of the average, actual cost a mile during the period for the use of a privately owned motorcycle, automobile, and airplane. The Administrator shall report such figures to Congress not later than five working days after he makes his determination. Each such report shall be printed in the Federal Register. The cent figures contained in paragraphs (1), (2), and (3) of section 5704(a) of this section, or any adjustments previously made thereto and in effect under that section, shall be adjusted by the Administrator within thirty days following the submission of that report to the figures so determined and reported by him. Those figures shall not be less than the figures in effect under that section immediately after the enactment of the Travel Expense*

Amendments Act of 1975, nor shall those figures ever be adjusted to figures greater than—

(A) 11 cents a mile for the use of a privately owned motorcycle;

(B) 20 cents a mile for the use of a privately owned automobile;

and

(C) 24 cents a mile for the use of a privately owned airplane.

Those adjusted figures shall also be included in the regulations prescribed under this section.

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